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Message Text

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SUBJ: OUTER SPACE, ARGENTINA AND BRAZIL DRAFT ARTICLES OF
TREATY ON REMOTE SENSING

FOLLOWING IS TEXT OF DRAFT ARTICLES ON REMOTE SENSING
OF NATURAL RESOURCES BY MANS OF SPACE TECHNOLOGY INTRODUCED BY
ARGENTINA AND BRAZIL IN UNGA COMMITTEE I ON 15 OCTOBER. CO-
SPONSORS, IN INTRODUCTORY REMARKS, SOUGHT REACTIONS OF
GOVERNMENTS BETWEEN PRESENT AND THE TIME ARTICLES ARE
TAKEN UNDER CONSIDERATION BY OUTER SPACE LEGAL SUB-
COMMITTEE IN FEBRUARY, 1975. TEXT AS FOLLOWS:

TREATY ON REMOTE SENSING OF NATURAL RESOURCES BY MEANS
OF SPACE TECHNOLOGY

DRAFT BASIC ARTICLES

THE STATES PARTIES TO THIS TREATY:

CONSIDERING THAT THE GLOBAL RESEARCH OF EARTH RESOURCES BY
MEANS OF SPACE TECHNOLOGY IS AN EFFECTIVE WAY OF DETERMINING
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THE EXISTENCE AND THE LOCATION OF THESE RESOURCES, AS

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WELL AS THE POSSIBILITIES OF INCREASING THEM, WITH A VIEW
TO COPE WITH THE GROWING SCARCITY OF FOOD AND RAW MATERIALS;

CONSIDERING FURTHER THAT THE MAIN ECONOMIC ASSETS OF EVERY
STATE ARE ITS HUMAN AND NATURAL RESOURCES;

CONVINCED THAT THE NEW TECHNIQUES OF REMOTE SENSING OF
EARTH RESOURCES, AS AN EFFECTIVE STIMULUS FOR ECONOMIC
AND SOCIAL DEVELOPMENT, WILL ADMITTEDLY CONTRIBUTE TO
THE WELL-BEING OF HUMANITY AS A WHOLE, AND ALLOW FOR
INTERNATIONAL CO-OPERATION, TAKING PARTICULARLY INTO ACCOUNT
THE NEEDS AND INTERESTS OF THE DEVELOPING COUNTRIES;

CONSCIOUS OF THE MULTIPLE AND RELEVANT INTERNATIONAL
EFFECTS DERIVED FROM THE USE OF THE TECHNOLOGY OF REMOTE
SENSING OF EARTH RESOURCES, WHICH CREATE LEGAL PROBLEMS
THAT REQUIRE AN IMMEDIATE AND EQUITABLE SOLUTION IN THE
FRAMEWORK OF A GENERAL TREATY AND AGREEMENTS ON MUTUAL
CO-OPERATION;

REAFFIRMING THE PRINCIPLES CONTAINED IN THE UNITED NATIONS
GENERAL ASSEMBLY RESOLUTIONS CONCERNING THE PERMANENT
SOVEREIGNTY OF PEOPLES AND NATIONS OVER THEIR OWN NATURAL
RESOURCES, IN PARTICULAR RESOLUTIONS 1803 (XVII)
OF 14 DECEMBER 1962 AND 2158 (XXI) OF 25 NOVEMBER 1966;

DESIRING TO SAFEGUARD THE EXERCISE OF THE SOVEREIGN
RIGHTS OF STATES OVER THEIR OWN NATURAL RESOURCES;

TAKING INTO ACCOUNT THE PRINCIPLES OF INTERNATIONAL LAW,
THE CHARTER OF THE UNITED NATIONS AND THE TREATY ON
PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE
EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON
AND OTHER CELESTIAL BODIES,

HAVE AGREED ON THE FOLLOWING:

ARTICLE I - NATIONAL AND INTERNATIONAL PROGRAMMES FOR REMOTE
SENSING OF NATURAL RESOURCES BY MEANS OF SPACE TECHNOLOGY
SHALL PROMOTE INTERNATIONAL CO-OPERATION AND THEIR IMPLE-
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MENTATION SHALL BENEFIT AND SERVE THE INTEREST OF ALL
MANKIND, TAKING ESPECIALLY INTO CONSIDERATION BENEFITS
TO AND THE INTEREST AND NEEDS OF THE DEVELOPING COUNTRIES.

ARTICLE II - STATES PARTIES SHALL CARRY OUR ACTIVITIES
OF REMOTE SENSING OF NATURAL RESOURCES BY MEANS OF SPACE
TECHNOLOGY IN ACCORDANCE WITH THE PRINCIPLES OF INTERNATIONAL
LAW, THE CHARTER OF THE UNITED NATIONS AND THE TREATY

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ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE
EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON
AND OTHER CELESTIAL BODIES.

ARTICLE III - PROGRAMMES FOR WORLDWIDE REMOTE SENSING
SHALL TAKE INTO ACCOUNT THE NEED TO PREVENT THE EXPLOITATION
OF NATURAL RESOURCES FROM CAUSING THE SPOILATION OR DESTRUCTION
OF THE ENVIRONMENT.

ARTICLE IV - ACTIVITIES OF REMOTE SENSING OF NATURAL RESOURCES
BY MEANS OF SPACE TECHNOLOGY MUST BE BASED ON THE PRINCIPLE
OF SOVEREIGN EQUALITY OF STATES AND OF THE HONOURABLE
FULFILMENT OF INTERNATIONAL COMMITMENTS, AS WELL AS OTHER
RELEVANT PRINCIPLES OF INTERNATIONAL LAW REGARDING
FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES. THE
PRINCIPLES OF SOVEREIGN EQUALITY OF STATES AND SELF-
DETERMINATION OF PEOPLES EMBRACE NOT ONLY THE RIGHT TO
INTERNAL SOVEREIGNTY AND INDEPENDENCE, BUT ALSO THE
ECONOMIC ASPECT OF THE FREEDOM TO USE AND
DISTRIBUTE THEIR WEALTH, WHEREBY PEOPLES MAY EXERCISE
THEIR LEGITIMATE AND EXCLUSIVE SOVEREIGN RIGHTS OVER THEIR
OWN NATURAL RESOURCES.

ARTICLE V - STATES PARTIES SHALL REFRAIN FROM UNDERTAKING
ACTIVITIES OF REMOTE SENSING OF NATURAL RESOURCES BELONGING
TO ANOTHER STATE PARTY, INCLUDING THE RESOURCES LOCATED
IN MARITIME AREAS UNDER NATIONAL JURISDICTION, WITHOUT
THE CONSENT OF THE LATTER.

ARTICLE VI - STATES PARTIES WILL TAKE ALL MEASURES
AUTHORIZED BY INTERNATIONAL LAW TO PROTECT THEIR TERRITORY
AND MARITIME AREAS UNDER THEIR JURISDICTION FROM REMOTE
SENSING ACTIVITIES FOR WHICH THEY HAD DENIED THEIR CONSENT.
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ARTICLE VII - STATES PARTIES WHICH HAVE GIVEN CONSENT FOR
THEIR TERRITORY AND MARITIME AREAS UNDER THEIR JURISDICTION
TO BE OBJECT OF REMOTE SENSING OF NATURAL RESOURCES ARE
ENTITLED TO PARTICIPATE IN THOSE ACTIVITIES IN A MANNER
TO BE DECIDED UPON BY SPECIFIC ARRANGEMENTS BETWEEN THE
PARTIES CONCERNED, WHICH WILL INCLUDE THE GUARANTEE OF
TECHNICAL ASSISTANCE TO BE PROVIDED BY THE SENSING STATE
TO THE SENSED STATE DURING THE WHOLE PROCESS OF THESE
ACTIVITIES.

ARTICLE VIII - STATES PARTIES WHOSE TERRITORY AND MARITIME
AREAS UNDER THEIR JURISDICTION ARE THE OBJECT OF REMOTE SENSING
OF NATURAL RESOURCES ARE ENTITLED TO FULL AND UNRESTRICTED
ACCESS TO ALL DATA OBTAINED THROUGH THOSE ACTIVITIES.

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ARTICLE IX - STATES PARTIES OBTAINING INFORMATION RELATING
TO THE NATURAL RESOURCES OF ANOTHER STATE PARTY THROUGH
REMOTE SENSING SHALL NEITHER DIVULGE SUCH INFORMATION NOR
TRANSMIT OR TRANSFER IT IN ANY MANNER TO A THIRD STATE,
INTERNATIONAL ORGANIZATION OR PRIVATE ENTITY, WITHOUT THE
EXPRESS AUTHORIZATION OF THE PARTY TO WHICH THE NATURAL
RESOURCES BELONG, NOR CAN THEY UTILIZE THE INFORMATION
THUS OBTAINED TO THE DETRIMENT OF THE LATTER.

ARTICLE X - STATES PARTIES SHALL REFRAIN FROM SOLICITING,
ACCEPTING OR, IN ANY MANNER, RECEIVING FROM A THIRD STATE,
INTERNATIONAL ORGANIZATION OR PRIVATE ENTITY, INFORMATION
REGARDING THE NATURAL RESOURCES OF ANOTHER STATE PARTY
OBTAINED THROUGH REMOTE SENSING WITHOUT THE EXPRESS
AUTHORIZATION OF THE STATE PARTY TO WHICH THE NATURAL
RESOURCES BELONG, NOR CAN THEY UTILIZE SUCH INFORMATION
TO THE DETRIMENT OF THE LATTER.

ARTICLE XI - STATES PARTIES POSSESSING THE TECHNOLOGICAL
CAPABILITY OF REMOTE SENSING SHALL ENDEAVOUR TO ASSIST
OTHER STATES PARTIES LACKING THIS TECHNOLOGY IN THE IMPLE-
MENTATION OF NATIONAL PROGRAMMES FOR SURVEYING NATURAL
RESOURCES PLANNED BY THE LATTER.

ARTICLE XII - STATES PARTIES ACKNOWLEDGE THE RIGHT OF
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ALL STATES TO PARTICIPATE FULLY IN ACTIVITIES OF REMOTE
SENSING OF NATURAL RESOURCES OF TERRITORIAL AND MARITIME
AREAS OUTSIDE NATIONAL SOVEREIGNTY OR JURISDICTION,
AS WELL AS THE NEED TO GUARANTEE FREE ACCESS TO ALL INFORMATION
OBTAINED THROUGH THESE ACTIVITIES.

ARTICLE XIII - STATES PARTIES SHALL BE HELD INTERNATIONALLY
RESPONSIBLE FOR NATIONAL ACTIVITIES OF REMOTE SENSING OF
NATURAL RESOURCES, IRRESPECTIVE OF WHETHER SUCH ACTIVITIES
ARE CARRIED OUT BY GOVERNMENTAL OR NON-GOVERNMENTAL ENTITIES,
AND SHALL GUARANTEE THAT SUCH ACTIVITIES WILL COMPLY WITH
THE PROVISIONS OF THE PRESENT TREATY.

ARTICLE XIV - DISPUTES RESULTING FROM ACTIVITIES OF
REMOTE SENSING OF NATURAL RESOURCES SHALL BE RESOLVED
IN ACCORDANCE WITH THE METHODS ENVISAGED IN ARTILCE 33 OF
THE CHARTER OF THE UNITED NATIONS.

ARTICLE XV - STATES PARTIES ARE ENTITLED TO CELEBRATE INTER-
NATIONAL AGREEMENTS CONFIRMING, COMPLETING AND DEVELOPING
THE PROVISIONS OF THE PRESENT TREATY.

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ARTICLE XVI - NOTHING IN THIS TREATY SHALL AFFECT THE RIGHTS
AND DUTIES CONTRACTED BY STATES THROUGH BILATERAL
OR REGIONAL AGREEMENTS.
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